

EXHIBIT 2

DONES

1 Q. Were you active in the union?

2 A. What do you mean?

3 Q. Did you serve on any committees?

4 A. No.

5 Q. Did you run for any union office?

6 A. No.

7 Q. Have you ever been self-employed?

8 A. No.

9 Q. When you first started working for the department
10 in 1985, what was your position or rank?

11 A. Regular police officer.

12 Q. Excuse me if I don't know the correct terms.

13 A. No problem.

14 Q. Were you a patrol officer when you first started?

15 A. Yes.

16 Q. Where were you stationed?

17 A. After the academy I was stationed at NSU-9, which
18 is Neighborhood Stabilization Unit 9. It covered the 50, 46,
19 47, and the 52 precinct. And then after that I was assigned
20 to the 50 precinct in January of '86, I think it was.

21 Q. Were you still a patrol officer in '86?

22 A. Yes.

23 Q. Did you get promoted? Did there come a time that
24 you were promoted from patrol officer to a different rank?

25 A. To detective.

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1 A. I met Mr. Vasquez when I went into the narcotics
2 unit.

3 Q. That is in '91?

4 A. '89, I think I went into Narcotics.

5 Q. Narcotics in Manhattan?

6 A. Manhattan North Narcotics.

7 Q. Was Mr. Vasquez also a detective at Manhattan
8 North Narcotics, if you recall?

9 A. When I got there, I don't remember if he was a
10 detective or police officer, exactly.

11 Q. Were you friends with Mr. Vasquez?

12 A. Yes, he was the one who trained me, how to buy
13 drugs.

14 Q. Did you socialize with Mr. Vasquez outside of work?

15 A. Yes, the whole office, we used to socialize.

16 Q. The whole office in Manhattan North Narcotics,
17 about how many people were in that office?

18 A. In the office, a lot. We used to go out every once
19 in a while, maybe like our module, like the people in our
20 team.

21 Q. How many people were in your team at the Manhattan
22 Narcotics?

23 A. I think it was about six, five or six.

24 Q. Mr. Vasquez was one of them, correct?

25 A. Yes.

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1 Q. After you left Manhattan Narcotics and went to IAB
2 in approximately '95, did you stay in contact
3 with Mr. Vasquez?

4 A. We spoke occasionally.

5 Q. When you say occasionally, would that be once a
6 month, once every six months?

7 A. I don't exactly recall. It was, yes, around once
8 every two or three months.

9 Q. Would that be by telephone or in person, if you
10 recall?

11 A. Sometimes when we used to see each other when we'd
12 go to court, you know, you run into people.

13 Q. Since you've been retired from the Police
14 Department, have you been in contact with Mr. Vasquez?

15 A. No.

16 Q. Have you ever met Luis Nieves-Diaz?

17 A. Yes.

18 Q. When did you meet Mr. Diaz?

19 A. I met Mr. Diaz when I worked in the 50, he worked
20 there also.

21 Q. And do you recall what his rank or title was?

22 A. He was a patrol officer.

23 Q. Did you ever, outside of work, socialize with
24 Mr. Diaz?

25 A. Yes.

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1 Q. Were you friends with Mr. Diaz?

2 A. Yes.

3 Q. When you left Manhattan Narcotics and went to IAB,
4 did you stay in contact with Mr. Diaz?

5 A. Occasionally, yes.

6 Q. For clarification, when you say occasionally, would
7 it be the same amount as you testified with Mr. Vasquez?

8 A. Yes. Remember, they went to different units, so
9 it's hard keeping in touch with them. I mean, I went to a
10 different unit.

11 Q. When you went to IAB, do you know where Mr. Diaz
12 went, or was he still at Manhattan Narcotics?

13 A. I think he was still in Manhattan until he
14 transferred to OCCB Inspections.

15 Q. Did there come a time that you learned
16 that Mr. Vasquez was involved in stealing drugs and money
17 from drug dealers?

18 MR. GREENWALD: I will object but allow him to
19 answer.

20 A. Yes.

21 Q. Do you recall when you became aware of that?

22 A. I think it was on two or three days before
23 Thanksgiving in 2004.

24 MR. GREENWALD: For the record,
25 has Mr. Vasquez been convicted of the offense that

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1 get out of the neighborhood, because people were starting to
2 come outside, and I was embarrassed, so I told him, yes,
3 let's go.

4 Q. Did anyone suggest going into your apartment to
5 discuss?

6 A. No.

7 Q. So you agreed to go in a car with him?

8 A. Yes.

9 Q. When you got into the car, what happened?

10 A. Well, when I got into the car because they told me
11 let's go somewhere out of here, because I lived on that block
12 since '86 and I've never been in trouble, and a lot of the
13 people there don't even know that I'm a police officer. So
14 we got in the car, we drove to Yankee Stadium, by the bat.

15 Q. The back of Yankee Stadium?

16 A. The bat, the baseball bat there.

17 Q. Whose car did you get into?

18 A. I think I was in the car with Lieutenant Mejia, and
19 I think it was -- I think his name was Sergeant Crowley.

20 Q. Let me just clarify, this is my fault. Was
21 Sergeant Crowley at the apartment -- withdrawn.

22 Did Sergeant Crowley show up at the apartment with
23 the FBI agent and the defendants?

24 A. Yes, he was there also.

25 Q. Was there anyone else there at the apartment

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1 A. No.

2 Q. Who answered you, if anybody?

3 A. Who answered me?

4 Q. I'm sorry, I thought you asked them for what?

5 A. No, I told him and asked him what, what am I going
6 to ask Detective Nieves-Diaz when you're telling me to make
7 -- you know, place a phone call to him. What did he do?
8 They didn't want to tell me.

9 Q. What did Sergeant Teran say next?

10 A. Well, he told me -- he was threatening me, telling
11 me that if I don't place the phone call, I'm going to lose my
12 detail, which was the police impersonations unit.

13 Q. Then what did you say next, if anything?

14 A. What did I say?

15 Q. When he said that you would lose your detail if you
16 didn't make the phone call, what happened next?

17 A. I told him I can't place a phone call in to this
18 guy. The guy is a friend of mine, and if I don't know why I
19 got to make a phone call in to him, I'm not going to place a
20 phone call.

21 Q. What happened next?

22 A. They went back, the same people went to the back
23 again, they conferred, they were on the phone, and then from
24 there, they told me we were going to go to group one.

25 Q. When you were at Yankee Stadium, and you said you

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1 stayed in the car, when Sergeant Teran was talking to you,
2 were you still in the car?

3 A. Yes.

4 Q. Did he get in the car with you?

5 A. No, he was asking me through the window.

6 Q. Did they tell you that you couldn't get out of the
7 car?

8 A. No, but I know they didn't want me to hear their
9 conversation. That's why I didn't get out of the car.

10 Q. How did you know that they didn't want you to hear
11 the conversation?

12 A. Well, they didn't even want to tell me why I had to
13 place a phone call to Nieves-Diaz. They didn't even tell me
14 he was a subject. I mean, they didn't even want to tell me
15 what the investigation was all about. They didn't even want
16 anybody to know that I was with them, because I told them,
17 "Listen, I got to call my partner because he waits for me at
18 the 48," they told me, "All right, call him and tell him
19 you're going to be late." And then finally I had to call my
20 sergeant and tell him, "Listen, I can't come in," because I
21 didn't want to be marked AWOL.

22 Q. Do you recall what time you called your sergeant?

23 A. I think I called the sergeant when we were walking
24 into group one.

25 Q. We didn't get to that point yet, right, in the

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1 Q. When you got out of the car and walked upstairs,
2 were you restrained in any way?

3 A. No.

4 Q. So what happened when you got upstairs?

5 A. Well, we walked into the -- I think it was their
6 lunchroom, the group one's lunchroom. We were sitting there
7 for a little while, and sergeant -- I think it was Sergeant
8 Crowley, asked me if I could give him my weapon. I told him
9 "Why do I have to give you my weapon?" Then he gave me some
10 jive story that, you know, we're in group one, they don't
11 like people here with their weapon. So I said, you know
12 what, here, I gave it to him.

13 Q. Did he request anything else from you, like your
14 shield or anything like that?

15 A. No.

16 Q. So what happened after you gave him your weapon?

17 A. After I gave him my weapon, I figured these guys --
18 I'm in custody, because I couldn't go anywhere, I felt like a
19 prisoner now.

20 Q. Before you gave them your weapon, did you feel like
21 you were in custody?

22 A. At the beginning, yes, when they were in front of
23 my house, they all surrounded me. I wasn't free to go
24 anywhere.

25 Q. Did they tell you that you weren't free to go

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1 anywhere?

2 A. No, just their body language.

3 Q. Did they threaten you with discipline if you didn't
4 go with them? Let's go back to your house, when you got in
5 the car with them to go to Yankee Stadium. Did they threaten
6 you if you didn't go with them?

7 A. No, they threatened me with losing my detail when I
8 was by Yankee Stadium, if I didn't make a phone call to
9 Nieves-Diaz.

10 Q. At any point did either of the defendants, Agent
11 Hosey or Sergeant Crowley, tell you that you were under
12 arrest?

13 A. No.

14 Q. Sergeant Crowley, you said you gave him your
15 weapon. What happened next, if anything?

16 A. When I gave him my weapon I sat back in the room.
17 And I wanted to go to Thomas Street, to talk to the delegate
18 to get me a lawyer, 26 Thomas Street, the DEA building, but
19 now I couldn't leave because I had given him my gun. Now, I
20 don't want him safeguarding my weapon and get in trouble for
21 that.

22 Second of all, I asked Sergeant Crowley, every time
23 I told Sergeant Crowley, listen, I am going to go to the
24 bathroom, because I wanted to see if I could get out of the
25 building, Sergeant Crowley followed me to the bathroom and he

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1 going to get paid." I told him, "I don't know if you
2 remember, but I had to call my sergeant and tell him that I
3 need the day off because I had a house emergency, because you
4 didn't want me to tell these people that I was with you," and
5 he goes, "Don't worry, we'll pull your 28." And I told him,
6 "I don't want you to pull my 28. You kept me here this long,
7 you're not pulling my 28. You kept me here for like
8 12 hours, I don't want to hear that."

9 Q. What does that mean, pull your 28?

10 A. Pull my 28 means that -- 28 is what we fill out
11 when we need a day off. He was just going to take it back
12 like if I had worked that day. Then he told me, he goes,
13 "Listen, if you change your mind, we're going to put on
14 modified assignment. We will say that you had a domestic
15 problem. That way, in case you want to work with us later on
16 nobody's going to know that you were placed on modified
17 because of this incident. You were placed on modified
18 because of a domestic incident."

19 MR. GREENWALD: Change your mind about what?

20 THE WITNESS: If later on I decide to make a
21 phone call to Nieves-Diaz.

22 Q. Just for clarification, do you believe that you
23 were placed on modified duty because you would make the call
24 to Detective Nieves-Diaz?

25 A. I believe so, yes.

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1 Q. Let's just back up a little bit. Did you ever ask
2 any of the defendants to give you something to eat during the
3 day?

4 A. Did I ever ask them, no. Already I was hurt and
5 upset, because these people have violated our police rules,
6 and they have violated my civil rights. These are people
7 that have college degrees. All I have is a high school
8 education, and I knew that.

9 Q. When you say they violated the police rules, what
10 rules are you referring to?

11 A. The rules that if I'm a subject of investigation,
12 they're supposed to give me ample time to get a lawyer so
13 that they can question me with a recording during a G015, you
14 know, an official investigation. I was a subject, and they
15 tried to use the FBI as a go-between to ask me questions so
16 they can use, and Sergeant Teran still asked me questions
17 there.

18 Q. Were you the subject, to your knowledge, the
19 subject of an investigation, or was it Vasquez that was the
20 subject of an investigation, and this is to your knowledge?

21 MR. GREENWALD: I object to that form. You
22 can ask him whether he was told that or not.

23 Q. Were you told you were the subject of an
24 investigation?

25 A. Not at that point , no.

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1 conversations with your attorney. Did you meet with an
2 attorney by the name of George Fontana concerning this case?

3 A. Yes, I think so, yes.

4 Q. Did Sergeant Teran ever talk to you about the
5 decision to place you on modified duty?

6 MR. GREENWALD: I think that's been asked and
7 answered. Over my objection, you can answer again.

8 A. I don't understand the question.

9 Q. Who informed you that you were going to be placed
10 on modified duty?

11 A. It was when Captain Scollan, during the phone call,
12 when he called me at group one.

13 Q. Did Sergeant Teran ever say anything to you about
14 your placement on modified duty?

15 A. No, the only thing that Sergeant Teran said was if
16 I don't do the phone call, I might lose my detail.

17 Q. I think you talked about it before, but can you
18 just refresh my recollection, "lose detail," what does that
19 mean again?

20 MR. GREENWALD: Again, and I see where this is
21 going because this is the factual background, it
22 is exactly what he has testified to.

23 MS. WALKER-DIALLO: I am not going anywhere.

24 MR. GREENWALD: Over my objection as asked and
25 answered, I will let him answer it again, but

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1 question, because it calls for the operation of
2 others' minds. You can ask him whether they said
3 anything to him, but you can't ask him what they
4 thought.

5 Q. Did you tell these officers at group 51 what
6 happened to you on July 8, 2004?

7 A. I spoke to some people, yes.

8 Q. Are these the same people that you believe treated
9 you differently?

10 A. Yes.

11 Q. Do you know whether any of the defendants informed
12 your coworkers about what happened on July 8, 2004?

13 A. I don't know. I don't know if they let anybody
14 know, but I'm sure they spoke to the lieutenant, because he
15 usually has to know why one of his workers is being modified.

16 Q. Did your lieutenant ever say anything to you about
17 the incident on July 8, 2004?

18 A. No.

19 Q. Were you required to obtain authorization to look
20 at computer records concerning this investigation, and the
21 investigation into Vasquez?

22 MR. GREENWALD: You previously asked him
23 whether he did that, and he said no.

24 MS. WALKER-DIALLO: I don't think my question
25 was whether he did it.